

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

HORTON HOMES, INC.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:07-cv-506-MEF
)	
LARUE BANDY, MARIE BANDY,)	
PATRICK PRITCHETT, WILLIAM)	
SHANER, ELSIE FONDREN)	
AVERETTE, WILLIAM CRUTHIRDS,)	
and SHERRIE CRUTHIRDS,)	
)	
Defendants.)	

SUPPLEMENT TO DEFENDANTS' MOTION FOR CONTINUANCE

COME NOW your Defendants in the above-styled cause and hereby supplement their motion for continuance as follows:

Counsel for the Defendants, Hawthorne & Myers, LLC consisting of Frank H. Hawthorne, Jr. and Randy Myers. Hawthorne & Myers, LLC employs only 2 legal secretaries. One of our legal secretaries has scheduled vacation for the week of September 15-19, 2008 where monies have already been spent. Our other legal secretary just this morning gave notice that she has accepted another job. Her last day of employment will be September 12, 2008. While the undersigned will diligently attempt to hire a legal secretary, experience dictates these things necessarily take time to insure the right person is hired.

Defendants would suffer undue hardship and prejudice if forced to try this case on September 29, 2008, as scheduled.

WHEREFORE, the above premises considered, Defendants respectfully pray this Honorable Court suspend all deadlines and continue this cause. Defendants

pray this Honorable Court to reset the trial of this cause for the May 4, 2009, Montgomery jury trial term. Counsel for Defendants presently have a State court case set for trial January 5, 2009, *Bruce McDonald, et al. v. Craig H. Jenkins, et al.*, Civil Action No. 2007-1268.

Respectfully submitted this 25th of August, 2008.

ATTORNEYS FOR PLAINTIFF

/s/ Frank H. Hawthorne, Jr.
FRANK H. HAWTHORNE, JR. (HAW012)

/s/ Randy Myers
RANDY MYERS (MYE003)

OF COUNSEL:
Hawthorne & Myers, L.L.C.
322 Alabama Street
Montgomery, AL 36104
334-269-5010 / 334-834-0080 facsimile

Michael S. Harper, Esquire
P. O. Box 780608
Tallasse, AL 36078-0608
334-283-6855

CERTIFICATE OF SERVICE

I hereby certify that I have on this the 25th day of August, 2008, filed the above pleading/discovery electronically with the CM/ECF E-Filing System in Federal District Court. The below counsel will receive a copy from the system via email if registered in the system. If not, I certify that I have placed a copy of the same in the U.S. mail this day.

Sydney F. Frazier, Jr., Esq.
Cabaniss, Johnston, Gardner, Dumas & O'Neal, LLP
2001 Park Place North, Suite 700
Birmingham, AL 35203

James L. Paul, Esq.
Thomas C. Grant, Esq.
Chamberlin, Hrdlicka, White, Williams & Martin
191 Peachtree Street, N.E., 34th Floor
Atlanta, GA 30303

/s/ Frank H. Hawthorne, Jr.

OF COUNSEL